BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2015- -T

IN RE: Petition of the Office of Regulatory Staff to)
Revoke Certificates of Public Convenience and)
Necessity of Certain Motor Carriers For Failure to)
Maintain and File Evidence of Insurance)
PETITION FOR REVOCATION
OF CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY
OF CERTAIN MOTOR CARRIERS

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

- 1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2014); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10 et seq. (Supp. 2014).
- 2. That the companies listed in Exhibit A have been certified by the Commission to operate as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (1976 and Supp. 2014) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.
- 3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (1976 and Supp. 2014), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N and are therefore subject to the

jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2014). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

- 4. That the companies listed in Exhibit A, upon receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; that in obtaining such authority the companies certified they are "familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina" and "agree to operate in compliance with these statutes and regulations" [10 S.C. Code Ann. Regs. 103-133(4)(a) (2012)]; further, the companies certified they are "aware of the commission's insurance requirements and the costs associated therewith" [10 S.C. Code Ann. Regs. 103-133(4)(b) (2012)].
- 5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. §58-23-910 (Supp. 2014).
- 6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. §58-23-910 (Supp. 2014) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.
- 7. That ORS notified the companies listed in Exhibit A, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.
- 8. That "[a] failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." 10 S.C. Code Ann. Regs. 103-175 (2012); further, that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. §58-23-910 (Supp. 2014).

- 9. That "[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 10 S.C. Code Ann. Regs. 103-240 (2012).
- 10. That "[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificates has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal." S.C. Code Ann. §58-23-320 (Supp. 2014).
- 11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See also Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit

A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. §58-23-320 (Supp. 2014).

- 2. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. §58-23-320 (Supp. 2014) and thereafter immediately enter a final Order; and,
- 3. For other appropriate action which the Commission may deem necessary.

Andrew M. Bateman, Esquire C. Lessie Hammonds, Esquire

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900 Columbia, South Carolina 29201

Phone: (803)737-0800 Fax: (803)737-0895

Email: <u>abateman@regstaff.sc.gov</u> <u>lhammon@regstaff.sc.gov</u>

February 25, 2015 Columbia, South Carolina

FEBRUARY 24, 2015 - CARRIERS OUT OF COMPLIANCE RTSC FOR FAILURE TO MAINTAIN PROOF OF CURRENT INSURANCE DOCKET NO.

No Docket No.	Cert Type	NAME	DBA	ADDRESS	CITY	STATE	STATE ZIP CODE
1 2013-135-T	Class C Taxi	6 Vision Transportation, LLC		400 Waverly Place Circle Apt 2A N Charleston			29418
2 2013-427-T	Class C Charter	All Aboard Transportation LLC		110 Westchase Dr	Charleston	SC	29407
3 2009-474-T	Class C Taxi		Ben's Taxi	1809 N Grimball Rd	Charleston		29412
4 2013-306-T	Class C Taxi	lr.	Seaside Transportation	3710 Old Pine Cir Apt 301	Charleston		29405
5 2012-38-T	Class C Charter	is, LLC		1 Chick Springs Rd Ste 313-D	Greenville		29609
6 2008-407-T	Class C Charter Bus	Capital Connections Southeast, LLC	Capital Connections	518 Lees Lake Rd	Fayetteville	ВA	30214
7 2011-284-T	Class C Charter		Mitchell's Van Line	2067 Edisto Ave	1		29412
8 2011-153-T	Class C Charter Bus	Carolinas Party Ride, Inc.		80 Carowood Dr	Fort Mill	SC	29708
9 2013-20-T	Class C Non-Emergency	Catch Program Services, LLC		PO Box 620144	Charlotte		28262
10 2007-347-T	Class C Taxi	Clover Cab Express, LLC		108 Vance St	Clover	SC	29710
11 2014-116-T	Class C Non-Emergency	Darrick Campbell	Derrion's Transportation	n Lot 2	e		29506
12 2013-66-T	Class C Non-Emergency	Deans Non-Emergency Transportation Services, LLC		PO Box 353	Santee		29142
13 2009-158-T	Class C Charter	Donna Coker	Helping Hand Transportation	8142 Little Sydneys Way	North Charleston	SC	29406
14 2005-398-T	Class C Charter Bus	Elnora Washington	B & E Bus Service	2109 Kennedy Dr	Augusta		30904
15 2014-218-T	Class C Charter		Able Transportation	1017 Balmore Dr			29579
16 2014-119-T	Class C Taxi	Evins Nicholson, Sr.	PaPa Transportation	1017 Balmore Dr		S	29579
17 2013-270-T	Class C Charter Bus	FingerSnappin' Entertainment, LLC		7872 Long Shadow Ln	North Charleston		29406
18 2012-160-T	Class C Taxi		ASAP	104 Knightsbridge Dr	North Charleston	SC	29418
19 2005-302-T	Class C Charter Bus	Henderson Charters, Inc.		PO Box 1497	Laurens		29360
20 2007-410-T	Class C Taxi	James C. Robertson	Dream Riders Transportation	100 Lands End Blvd Unit 602	Myrtle Beach		29572
21 2011-380-T	Class C Taxi	Kathy Council	T. Council's Elite Car Service	320-A Dunlap Dr	Hartsville	SC	29550
22 2013-397-T	Class C Taxi	אנכרוכ	Atlantic Coast Transportation	327 Hollywood Dr	Charleston		29407
23 2014-59-T	Class C Non-Emergency	Lakeya Jones	LS MedTransit	4505 Outwood Dr	Ladson		29456
24 2014-109-T	Class C Taxi	LaRome Brown	Rome's Transportation	519 Travelers Blvd	Summerville	٦	29485
25 2013-279-T	Class C Charter	Lowcountry Funtime LLC		1510 Calamus Pond Rd		П	29483
26 2011-101-T	Class C Charter	Luxury Transportation Services, LLC		PO Box 42672	North Charleston		29423
27 2010-193-T	Class C Non-Emergency	Midlands Transportation Service, LLC		3120 N Beltline Blvd Ste A			29204
28 2014-193-T	1	Pink Line Transportation LLC		PO Box 60687	N Charleston		29419
29 2012-396-T	Class C Non-Emergency	Procare Group Adult Services, LLC		2 Suntrace Ct	Columbia		29229
30 2009-493-T	Class C Taxi	Roland P. Robinson		1743 N Norwood Ln	Florence	သွ	29506
31 2010-413-T	Class C Taxi	Rose Mary Felder Alexander	Chisolm Taxi	1901 Pine Walk Ct Apt 313	leston		29405
32 2012-229-T		Showtime Car Service LLC		274 Huger St Apt 404	Charleston		29403
33 2009-462-T	Ι.	Swamp Fox Taxi Service, LLC	Swamp Fox Transportation	PO Box 1459	Marion	SC	29571
34 2013-319-T	Г	Thomas Thorpe	Beach Bound Taxi	PO Box 3035	Myrtle Beach	S	29582
35 2013-317-T	Class C Non-Emergency	Tiffany Johnson	4U Mobile Rides	PO Box 3603	Aiken	\neg	29801
36 2007-216-T		Travel Lynx, LLC		PO Box 1822	Shelby		28151
37 2013-344-T		Unity Enterprizes, LLC	Unity Car Service	9022 Parlor Dr	Ladson	I	29456
38 2010-111-T	Class C Taxi	William F. Davidson	J's Taxi Service	115 Hillcrest Dr	Gaffney	T	29340
39 2011-92-T	Class E Household Good	Class E Household Goods Xtreme Moving & Storage, LLC	Xtreme Moving	PO Box 752	Hoschton	ΑĐ	30519

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET	NO.	

February 24, 2015

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for Failure to Maintain and File Evidence of Insurance

AFFIDAVIT OF CAROLE CHAUVIN

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On February 24, 2015, I examined the business records on file with ORS.
- As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (Supp. 2013) has not been filed with ORS by the following carriers as of February 24, 2015:" (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Program Specialist, Transportation Department

Office of Regulatory Staff 1401 Main Street, Suite 900

Carole Chauvin

Columbia, S.C. 29201

Sworn and subscribed before me this 297 day of February, 20 15

Notary Public for South Carolina Pand. S. menulla.

My Commission Expires: 13rd 2014

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2015- -T

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for

Failure to Maintain and File Evidence of

Insurance

CERTIFICATE OF

) SERVICE

This is to certify that I, Jessica N. Peyton, have this date served one (1) copy of the Petition in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Please See Complete List of Parties Served on the Following Pages

Jessica N. Peyton

February 25, 2015 Columbia, South Carolina 6 Vision Transportation, LLC 400 Waverly Place Circle, Apt 2A N. Charleston, SC 29418 All Aboard Transportation, LLC 110 Westchase Dr. Charleston, SC 29407 Benjamin Frazier d/b/a Ben's Taxi 1809 N. Grimball Rd Charleston, SC 29412

Bennett Brown, Jr. d/b/a Seaside Transportation 3710 Old Pine Cir., Apt 301 Charleston, SC 29405 Black Magic Express, LLC 1 Chick Springs Rd., Ste 313-D Greenville, SC 29609 Capital Connections Southeast, LLC d/b/a Capital Connections 518 Lees Lake Rd Fayetteville, GA 30214

Carl A. Mitchell d/b/a Mitchell's Van Line 2067 Edisto Ave James Island, SC 29412 Carolinas Party Ride, Inc. 80 Carowood Dr. Fort Mill, SC 29708 Catch Program Services, LLC P.O. Box 620144 Charlotte, NC 28262

Clover Cab Express, LLC 108 Vance St Clover, SC 29710 Darrick Campbell d/b/a Derrion's Transportation 237 Laurel Ln., Lot 2 Florence, SC 29506 Deans Non-Emergency Transportation Services, LLC P.O. Box 353 Santee, SC 29142

Donna Coker d/b/a Helping Hand Transportation 8142 Little Sydneys Way North Charleston, SC 29406 Elnora Washington d/b/a B & E Bus Service 2109 Kennedy Dr. Augusta, GA 30904 Evins Nicholson, Sr. d/b/a Able Transportation 1017 Balmore Dr. Myrtle Beach, SC 29579

Evins Nicholson, Sr. d/b/a PaPa Transportation 1017 Balmore Dr. Myrtle Beach, SC 29579 FingerSnappin' Entertainment, LLC 7872 Long Shadow Ln. North Charleston, SC 29406 Frank Jackson d/b/a ASAP 104 Knightsbridge Dr. North Charleston, SC 29418

Henderson Charters, Inc. P.O. Box 1497 Laurens, SC 29360 James C. Robertson d/b/a Dream Riders Transportation 100 Lands End Blvd., Unit 602 Myrtle Beach, SC 29572 Kathy Council d/b/a T. Council's Elite Car Service 320-A Dunlap Dr. Hartsville, SC 29550

KRC LLC d/b/a Atlantic Coast Transportation 327 Hollywood Dr. Charleston, SC 29407 Lakeya Jones d/b/a LS MedTransit 4505 Outwood Dr. Ladson, SC 29456 LaRome Brown d/b/a Rome's Transportation 519 Travelers Blvd Summerville, SC 29485

Lowcountry Funtime, LLC 1510 Calamus Pond Rd Summerville, SC 29483 Luxury Transportation Services, LLC P.O. Box 42672 North Charleston, SC 29423 Midlands Transportation Service, LLC 3120 N. Beltline Blvd., Ste A Columbia, SC 29204

Pink Line Transportation, LLC P.O. Box 60687 N. Charleston, SC 29419 Procare Group Adult Services, LLC 2 Suntrace Ct. Columbia, SC 29229 Roland P. Robinson 1743 N. Norwood Ln. Florence, SC 29506 Rose Mary Felder Alexander d/b/a Chisolm Taxi 1901 Pine Walk Ct., Apt 313 North Charleston, SC 29405

Thomas Thorpe d/b/a Beach Bound Taxi P.O. Box 3035 North Myrtle Beach, SC 29582

Unity Enterprizes, LLC d/b/a Unity Car Service 9022 Parlor Dr. Ladson, SC 29456 Showtime Car Service, LLC 274 Huger St., Apt 404 Charleston, SC 29403

Tiffany Johnson d/b/a 4U Mobile Rides P.O. Box 3603 Aiken, SC 29801

William F. Davidson d/b/a J's Taxi Service 115 Hillcrest Dr. Gaffney, SC 29340 Swamp Fox Taxi Service, LLC d/b/a Swamp Fox Transportation P.O. Box 1459 Marion, SC 29571

Travel Lynx, LLC P.O. Box 1822 Shelby, NC 28151

Xtreme Moving & Storage, LLC d/b/a Xtreme Moving P.O. Box 752 Hoschton, GA 30519